



OIL SPILL PREVENTION AND RESPONSE TECHNICAL ADVISORY COMMITTEE (TAC) Meeting Minutes



April 23, 2009

9:00 a.m. - 2:30 p.m.

State Lands Commission
200 Oceangate
Long Beach, CA 98025

Attendance:

Members	Agency Representatives	DFG/OSPR Participants		Guests	Constituents
Carol Baker	Linda Scourtis	Tena Rakela	Stephen Edinger		
Jen Kovacs	Gary Gregory	Charlena Hayes	Forrest Gardens		
Joan Lundstrom		Marion Boyd	Scott Schaefer		
John Berge		Joy Lavin-Jones	Steve Sawyer		
Laura Kovary		Crystal Montoya			
R. Mitchel Beauchamp					
Ray Nottingham					
Stephen Ricks					

I. INTRODUCTIONS

STEPHEN L. EDINGER (Administrator)

- ❖ Mr. Edinger asked the TAC members to introduce themselves and welcomed everyone to the State Lands Commission main office in Long Beach.
- ❖ The meeting was handed-off to Mr. Steve Ricks for commencement.

II. APPROVAL OF MINUTES

STEPHEN RICKS (CHAIRPERSON) TAC

- ❖ No corrections were made to the TAC meeting minutes for April 2009.
- ❖ Joan Lundstrom motioned to approve the minutes; John Berge seconded.
- ❖ Meeting minutes were unanimously approved.

III. OSPR UPDATE

STEPHEN EDINGER

- ❖ The coast guard now requires admirals to have their own Facebook Webpage in an effort to interact with the public in a familiar and friendly forum.
- ❖ A sea otter was rescued by OSPR staff; she was named Olive the Sea Otter. She was found covered with oil from a natural seep; she was underweight, and malnourished. A Facebook Webpage was created to increase awareness and to encourage Californian's to participate in the Tax Check Off program. The social media venue generated over 1000 fans. (If the Sea Otter Tax Check Off donation level falls below 260,000.00 dollars it will be removed from the program.) She was released on April 7, 2009 in great condition. Later that week she was tracked and found in the accompaniment of a mate.
- ❖ March 24 is the anniversary of the Exxon Valdez oil spill. OSPR received several media inquiries. Most questions pertained to our new technology advancements. Notably, Scientific American, the news magazine, requested an update on OSPR developments and published an article.
- ❖ OSPR has a SSEP program which sponsors grants and research projects about oil, protection, response and detection.
- ❖ May 1, 2009 the Department of Finance will begin a fund audit. The audit will examine:
 - Board of Equalization Fee Collection
 - Fund Reparation
 - Fund Balance Projections
 - Fee Payers
- ❖ OSPR is seeking recommendations to improve fiscal procedures.
- ❖ The U.S. Coast Guard Sector San Francisco received notification from the Motor Vessel WILLIAMSBURG BRIDGE through the Vessel Traffic Service that the vessel lost propulsion while transiting through San Francisco Bay just before 4:30 p.m. on February 14. The vessel immediately took proper precautionary measures by safely anchoring within the shipping channel in less than five minutes. The U.S. Coast Guard, San Francisco Police Department Marine unit and two tug boats safely escorted the vessel, which was able to restart its main propulsion engine, to Anchorage Nine where the vessel is currently anchored. All appropriate notifications were

made in a timely and proper manner. At no time was the vessel located outside of the normal shipping traffic lanes, nor did the vessel pose any hazard to other vessels or the shoreline. Oil was not released in this event.

- ❖ The westbound lanes of the San Mateo Bridge was closed for safety reasons Tuesday April 14, 2009 after a disabled 70-foot fishing trawler started slamming against the side of the bridge. The third westbound lane remained closed because officials were performing work related to the trawler. The Coast Guard, CalTrans and Fish & Game, Office of Spill Prevention and Response, were on the shoulder trying to get the gasoline pumped out of the boat. The trawler's mast and stanchions had been welded off to help protect the bridge, and the ship had been tied safely in position for a salvage operation. Mechanical problems in the trawler's engine caused its crew to lose control of the vessel. A crane lifted and removed the trawler. Divers drained the ship's fuel tanks of 1,300 gallons of diesel fuel. A one-mile oil-slick spotted by Coast Guard helicopters nearby was not believed to have spilled out of the trawler. Oil from that slick did not wash ashore; no efforts were made to contain the spill because of windy, choppy conditions. There were no injuries to the crew or response teams.
- ❖ OSPR provided responses to the BSA audit and management memo. The database and the oil spill plans were examined in great detail. TAC will receive a copy of the responses at the July meeting.
- ❖ BSA was concerned about local government participation. OSPR is working internally to address these issues.
- ❖ OSPR developed convergent volunteer plans to direct assistance for non-wildlife positions. This includes beach cleanup and pre-cleaning of beaches before impact.
- ❖ Volunteers would not assume any responsibilities subcontractors would be assigned to do.
- ❖ CALEMA and OSPR are coordinating with other counties to ensure volunteer plans do not conflict.
- ❖ Industry is mainly concerned about liability issues. Any injuries or damages to response teams, volunteers or other businesses will be billed to the Responsible Party.
- ❖ Non Government Organizations have submitted suggestions in regards to volunteers. They can offer a variety of resources, manpower and communication assistance.
- ❖ OSPR has not resolved the BSAs concern about public education and outreach plans.

IV. PUBLIC COMMENTS

- ❖ No comments from the public.

V. AGENCY REPORTS

- ❖ **California Coastal Commission** ELLEN FAUROT-DANIELS
 - ◆ No Report was submitted.
- ❖ **State Lands Commission** GARY GREGORY
 - ◆ Our marine oil terminal monitoring and inspection programs continue as usual.
 - ◆ Inspection activities at off-shore oil production facilities continue as usual.
 - ◆ Our latest Monthly Activities Report provides the following information:
 - ◆ Overall, year-to-date transfers operations are up 3.9% from 2008 to 2009.
 - ◆ Likewise there is an increase in the amount of oil discharged from the ship to shore, of 3.9%, and a small decrease of .06% for loadings.
 - ◆ Overall, there was a 2.8% increase in the volume of oil transferred across the dock.
 - ◆ Oil Discharged is a leading indicator of changes in the fee collected for the OSPAF.
 - ◆ Engineering reviews of MOTEMS audit submissions continues.
 - ◆ Pier 400 berth 408 work continues. The appeal of the EIR/S was denied by the Los Angeles City Council. Engineering is almost complete and steel should be ordered in the next few months.
 - ◆ The first revision to MOTEMS, which is part of the California Building Code, is continuing through the process. We received a few written comments and only one commenter at the public hearing.
 - ◆ Held very successful Customer Service Meetings in both Northern and Southern California.
- ❖ **BCDC** LINDA SCOURTIS
 - ◆ SF Harbor Safety Committee. BCDC staff participated in the San Francisco Bay Area Harbor Safety Committee February-April meetings as well as Work Group meetings.
 - ◆ The HSC adopted its 2009 Harbor Safety Plan at its March meeting. The plan will be forwarded to the Administrator from the SFMX when final formatting is completed. The revised plan reflects the work of the HSC in developing Best Maritime Practices, including those that resulted from responding to the Governor's directive to analyze needed improvements to navigation safety in San Francisco Bay following the Cosco Busan incident. BCDC staff coordinated the plan update.
 - ◆ The HSC voted to establish a new standing work group to focus on dredging issues to ensure channel maintenance activities and surveys are current and accurate. The HSC WSPA representative will chair the work group, and will be joined by the USACE, USCG, SF Bar Pilots, BCDC and other HSC members. BCDC's dredging program manager also will participate.

- ◆ The Navigation work group requested the USACE monitor the Alcatraz dredge disposal site. The depth at one location within the site that is immediately adjacent the shipping channel has recently mounded to -29 to -30 feet. NOAA has alerted mariners to proceed with caution in this area. BCDC's dredging program manager also is being apprised of navigation safety issues associated with this trend, and is in contact with the HSC Chair.
- ◆ The Prevention through People and Tug Escorts work groups have recently joined to address the issue of dockworkers falling overboard, which has occurred at the Port of Oakland several times over the past year; a fatality recently resulted at the Port. The work groups' members have been joined by a terminal operator at the Port to share their industry practices as a framework in developing guidance for rescue equipment and practices.
- ◆ The PORTS work group is continuing to work with CenCOOS (the Central and Northern California Ocean Observing System, a NOAA program) and the Scripps Institute to determine if information produced by the Scripps wave buoy system could be combined with PORTS data for use by mariners.
- ◆ The next meeting of the HSC will take place the afternoon of May 14 at the Port of San Francisco. The S.F. Marine Exchange will celebrate its 160th anniversary that evening.
- ◆ Area Contingency Planning. Staff attended the January 27 and March 17 Area Committee meetings. As a member of the Potential Places of Refuge subcommittee, BCDC staff will work with OSPR and the USCG this year to add information on potential mid- and small-size vessel refuge sites in the Bay and refine the database. Additionally, a working group is developing bylaws for the Area Committee in light of expanded membership.
- ◆ The next meeting of the Area Committee is scheduled for May 19.
- ◆ Oil Spill Reporting and Spill Response. No major spills were reported in the Bay during this period.
- ◆ Related activities. BCDC spill staff attended a SLC Marine Facilities Division customer service meeting at CalMaritime Feb 11, and joined a tour of MSRC's new Martinez facility in the afternoon.
- ◆ BCDC staff attended the OSPR/Chevron spill technology conference February 17-19.
- ◆ Staff attended OSPR's Best Available Technology work group in Sacramento February 26, and will participate as a member of the BAT/Prevention and Mitigation work group at its first meeting May 12.
- ◆ BCDC spill staff and our Enforcement Chief joined the Abandoned and Derelict Vessels working group meeting held early March, co-chaired by the USCG and OSPR. BCDC will continue to participate as it has some regulatory authority to remove such vessels.
- ◆ Staff made a presentation on BCDC's spill program to a NOAA evaluation team visiting in March. BCDC, as a Coastal Management Agency, works with NOAA to further some of our programs, and an evaluation by NOAA and a program manager from another coastal state is held every three years.
- ◆ In April, staff reviewed a Mitigated Negative Declaration for the Coscol Oil Terminal Deconstruction in Hercules. Coscol has applied for a BCDC permit to begin the project.
- ◆ Staff participated in the BP Richmond Worst Case spill drill April 15-16. Participants found the drill particularly well organized. Active involvement by local agencies contributed to the environmental unit and to outreach through the liaison unit. The local emergency/hazmat agencies look forward to the opportunity to drill with a local agency representative as a member of the Unified Command.

VI. FUND CONDITION AND BUDGET UPDATE

TENA RAKELA

Handouts Provided

- ❖ OSPR's fund condition needs adjustments in order to maintain a prudent reserve. Midyear redirections have been made.
- ❖ Expenditures outpace revenues; steps have been taken to maintain our positive fund balance.
- ❖ Furloughs are saving the office money however staff meetings are becoming difficult due to absences.
- ❖ OSPR has delayed filling 9 positions. No field positions will be cut.
- ❖ OSPR will have a negative fund balance by FY 10/11.
- ❖ The interest earned on fund 320 has decreased due to the account balance.
- ❖ A new contract was finalized with SEIU and it has been sent to the Legislature for ratification. The contract needs a 2/3 vote to pass.
- ❖ Fund 207 (Oil Spill Response) OSPR fines and penalties generate revenue for this account.
- ❖ Currently 17.5 positions draw salaries from the 207.

VII. **MARINE OIL TERMINAL ENGINEERING AND MAINTENANCE STANDARDS**
Power Point Presentation

MARTIN ESKIJIAN

VIII. **LEGISLATION/REGULATIONS UPDATE**

JOY LAVIN-JONES

- ◆ **AB 1530 (Skinner):**
This bill would raise the upper limit of the Oil Spill Prevention and Administration Fund (OSPAF) fee collected to carry out specified oil spill prevention and response purposes, from five cents (\$0.05) to eight cents (\$0.08) per barrel. [Note: this bill was completely rewritten on April 20, 2009, to now address greenhouse gas emissions – OSPR will no longer be tracking this legislation]
- ◆ **AB 1442 (Huffman):**
This bill clarifies provisions relating to submission of a wildlife rehabilitation plan after an oil spill, and corrects an inaccuracy in the definition of non-persistent oil.
- ◆ **AB 305 (Nava):**
This bill establishes a 5 year statute of limitations for failure to report hazardous material spills or for intentionally misleading reports of such spills (Code of Civil Procedure). In the Health and Safety Code, the bill adds county jail time (up to one year) as a possible punishment for failure to report an oil spill or knowingly making a false or misleading report of an oil spill in non-marine waters; thus, making these actions potential misdemeanors. The bill expressly preserves other statutory prosecution or sentencing options that may be available, if any.
- ◆ **AB 248 (Lowenthal):**
The Marine Invasive Species Act requires vessels to meet reporting requirements relating to ballast water and hull fouling, and to submit this information to the State Lands Commission (SLC). This bill requires that additional information be reported to the SLC related to the ballast water treatment system used by the vessel.
- ◆ **AB 1518 (Anderson):**
Numerous existing laws create various state boards, commissions, and committees. This bill would require that all statutorily created state boards, commissions, and committees that have not met or had a quorum at any of their regular meetings since January 1, 2008, be repealed on January 1, 2010.
- ◆ **AB 783 (Anderson)**
Existing law authorizes the creation of various state agencies, boards, and commissions. This bill would require that all statutorily created state agencies, boards, and state commissions that are funded by General Fund revenues, except for the Franchise Tax Board, be repealed on January 1, 2022.

IX. **TAC Bylaws**

STEPHEN RICKS

- ❖ The TAC's bylaws were revisited but a vote was not needed.
- ❖ The bylaws were clarified and reposted to OSPR's internet website.
- ❖ The date was added to the bylaws.

X. **2009/2010 TAC ISSUES**

- ❖ Mr. Gary Gregory will be the administrator of the biennial report.
- ❖ The report was distributed to all legislative offices and the Governor's Office.
- ❖ OSPR's Inland spills program continues its development. TAC requested periodic status updates of this program.
- ❖ The Spill database is under development. OSPR was able to hire a programmer to focus on this project; data entry is a major priority.

XI. **OLD/NEW BUSINESS**

- ❖ Linda Scourtis briefed TAC on the SENCOOS System.
- ❖ Ocean Imaging Systems did a demonstration project in Santa Barbara. OSPR may contact their office for a presentation. Mr. Edinger asked TAC to submit a "dream" idea about how OSPR should use this new technology.

XII. **Meeting Dates**

STEPHEN RICKS

- ❖ July 21, 2009, The California Maritime Academy, 200 Maritime Academy Drive, Vallejo, CA 94590
- ❖ October 20, 2009 Location TBD